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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/565,821    09/20/00    KIRCHHOFF    K    55824USA3A.0

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EXAMINER
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BAXTER, G	
ART UNIT	PAPER NUMBER

3632  
DATE MAILED:

10/05/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/665,821

Applicant(s)  
Kenneth J. Kirchhoff

Examiner  
Gwendolyn Baxter

Art Unit  
3632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, and 14-27 is/are rejected.
- 7) ☒ Claim(s) 2 and 13 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2, 3 20) ☐ Other:

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This is the first office action for serial number 09/665,821, Adjustable Keyboard Tray, filed on September 20, 2000.

***Information Disclosure Statement***

The information disclosure statement filed January 8, 2001 and July 9, 2001 has been placed in the application file, and the information referred to therein has been considered.

***Claim Rejections - 35 USC § 112***

Claims 3-5, 14-16, and 18-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 2-4, recites "the adjustable keyboard tray can slide in a lateral direction substantially perpendicular to the direction of translation by the bracket mechanism". The tray has been defined to slide in a lateral direction relative to the bracket mechanism which has been functionally recited in the preamble and not positively claimed. Therefore, it is unclear if applicant intends to claim a combination of the keyboard tray and bracketing mechanism or subcombination of the keyboard tray. Similar problem occurs in claims 4, 14, 15, 18, and 21.

In claim 27, line 5, the pronoun "its" should be replaced with the proper noun to avoid any ambiguity, thus distinctly claiming and particularly pointing out the subject matter.

In claim 27, line 14, "a lateral direction" should read --the lateral direction--.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-12, 17-19, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,706,919 to Soberalski in view of U.S. Patent No. 5,732,910 to Martin. Soberalski discloses an adjustable keyboard tray (11) comprising a top plate (top portion of 11), a bottom plate (bottom portion of 11), and mounting plate (27). The top and bottom plate form a cavity (not numbered). However, Soberalski fails to disclose the tray being formed of polymeric material and the cavity creates a pocket having a tab and mouse bracket.

Martin teaches a keyboard tray comprising a top (21) and bottom plates (23) form a cavity therebetween. The top and bottom plates are formed of a polymeric material (col. 4, line 4+). A pocket is created along a side of the keyboard tray that is aligned with an opening (33) through the side of the tray to receive and secure a mouse bracket (39) which supports a mouse platform. The mouse bracket is releasably secured in the pocket by a tab (53) and is received in a slot (52) on the mouse bracket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted the keyboard tray for the keyboard tray as taught by Martin as alternate means of supporting the keyboard thereupon.

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***Allowable Subject Matter***

Claims 3-5, 14-16, 20, 21 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 2 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Gillis 5,655,743; Leibowitz 6,003,446; Choy 6,092,774; and West 6,279,859 teach adjustable keyboard trays.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is (703) 308-0702. The examiner can normally be reached Monday-Friday from 8:30 A.M. to 5:00 P.M. Eastern Time Zone.


Any inquiry of a general nature or relating to the status of this application should be

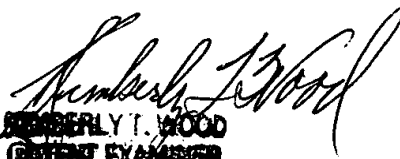
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directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 305-3597.

  
Gwendolyn Baxter  
September 29, 2001

  
KIMBERLY L. WOOD  
PATENT EXAMINER  
AU 3632